

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

JOSHUA JESSE CANTU,

Plaintiff,

v.

P. WARD, et al.,

Defendants.

) Case No.: 1:20-cv-0386 JLT HBK (PC)

) ORDER ADOPTING THE FINDINGS AND
) RECOMMENDATIONS DISMISSING THE
) ACTION WITHOUT PREJUDICE

) (Doc. 56)

Joshua Jesse Cantu initiated this action by filing a prisoner civil rights complaint under 42 U.S.C. § 1983. On September 30, 2022, Defendants filed “Notice of Suggestion of Death of Plaintiff Joshua Jesse Cantu.” (Doc. 55.)

On January 6, 2023, the magistrate judge observed that Plaintiff was proceeding *pro se*, and “Defendants certify under oath that a search of records, including active probate matters, did not reveal any next of kin for Plaintiff.” (Doc. 56 at 2, citing Doc. 55 at 1-2.) Therefore, the magistrate judge recommended the Court dismiss the action without prejudice due to Plaintiff’s death. (*Id.* at 2.) The Findings and Recommendations were served on all parties, who were granted fourteen days to file any objections. (*Id.*) On January 17, 2023, the document served upon Plaintiff was returned marked: “Undeliverable, RTS, Unclaimed, Unable to Forward.” Defendants have not filed any objections.

According to 28 U.S.C. § 636(b)(1)(C), the Court conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes the Findings and Recommendations are

1 supported by the record and by proper analysis. Thus, the Court **ORDERS**:

- 2 1. The Findings and Recommendations issued on January 6, 2023 (Doc. 56) are
- 3 **ADOPTED** in full.
- 4 2. The action is **DISMISSED** without prejudice pursuant to Rule 25(a)(1) of the Federal
- 5 Rules of Civil Procedure.
- 6 3. The Clerk of Court shall terminate any pending deadlines and close this case.

7
8 IT IS SO ORDERED.

9 Dated: **January 24, 2023**


UNITED STATES DISTRICT JUDGE